IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.4863 OF 2006

Sou. Indumati Laxman Bhakare & Anr. ...Petitioners.
V/s.
The State of Maharashtra & Ors. ...Respondents.

Shri Machhindra A. Patil for the Petitioners.
Shri P.P.Kakade, A.G.P. for the Respondent/State.
Shri R.S.Namge for the Respondent No.4.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 20th November, 2006.

P.C.:

1. Heard Mr.Patil, the learned counsel appearing for the petitioners. The plaint of the Regular Civil Suit No.326 of 2005 which has been filed by Shri Bajrang Gunvant Kedar, husband of the present respondent no.4, prima-facie shows that the reliefs sought for in this petition against the respondent no.4 can not be entertained. In case, the petitioners seek reliefs against the husband of the respondent no.4, they may take steps for being impleaded as necessary parties in the pending suit, if permissible under the law. Our attention was also invited to the application filed by the plaintiff in Regular Civil Suit No.326 of 2005. Undoubtedly, all these claims and counter-claims will be considered by the Courts below on their own merits and including the point of maintainability.

2. We, therefore, dispose off the writ petition as not maintainable and with liberty to the petitioners to take appropriate steps, if permissible in law to join as additional defendants in Regular Civil Suit No.326 of 2005. The said suit be heard and decided on its own merits as expeditiously as possible and preferably within a period of six weeks from receipt of writ. Writ to go forthwith to the Municipal Council as well as the Courts below.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)